



Department of Public Safety and Correctional Services

Division of Correction

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EASTERN
CORRECTIONAL
INSTITUTION

- ACA ACCREDITED -

MARYLAND CORRECTIONAL
ADJUSTMENT CENTER

MARYLAND CORRECTIONAL
INSTITUTION-HAGERSTOWN

MARYLAND CORRECTIONAL
INSTITUTION-JESSUP

MARYLAND CORRECTIONAL
INSTITUTION FOR WOMEN

MARYLAND
CORRECTIONAL
PRE-RELEASE SYSTEM

MARYLAND
CORRECTIONAL
TRAINING CENTER

MARYLAND HOUSE
OF CORRECTION

MARYLAND HOUSE OF
CORRECTION ANNEX

MARYLAND RECEPTION,
DIAGNOSTIC AND
CLASSIFICATION CENTER

METROPOLITAN
TRANSITION CENTER

NORTH BRANCH
CORRECTIONAL
INSTITUTION

ROXBURY
CORRECTIONAL
INSTITUTION

STATE USE
INDUSTRIES

WESTERN
CORRECTIONAL
INSTITUTION

- ACA ACCREDITED -

February 24, 2004

The Honorable Joan Cadden, Chair
House Subcommittee on Public Safety and Administration
213 Lowe House Office Building
Annapolis, Maryland 21401-1991

Dear Delegate Cadden:

This letter shall serve as the Division of Correction's (DOC) official response to the budget analysis presented to the House Subcommittee on Public Safety and Administration by the Department of Legislative Services. Should the subcommittee have any other questions or concerns, the Division will be available to explore those matters and provide you with any information needed. The subcommittee's interest in and support of the Division ongoing efforts to rehabilitate the inmate population and assist in maintaining safer communities in the state is appreciated.

DOC Background Information

The Division of Correction is one of three maintaining units under the umbrella of the Department of Public Safety and Correctional Services. The Division employs 7,272 staff, of which 5,435 are custody staff and 1,837 non-custody staff. Currently, DOC operates 27 correctional facilities throughout the state.

The facilities that DOC maintains have security levels ranging from pre-release to maximum security with nine inmates on death row. In total the DOC houses approximately 24,000 inmates. The Division practices constitutional incarceration as it supervises inmates in safe, secure, and humane environments. The offenders' average age is 34.8 years. The population is composed of 77.2% African American, 22.7% Caucasian, and the remaining 0.1% of the population are a variety of ethnicities. Seventy-one percent of the individuals that DOC has custody and control over are incarcerated for the following offenses including drug offenses (23%); murder (19%); robbery (15%); and assault (14%).

Inmate-on-Staff Assaults

The department should be prepared to present information on the number of inmate-on-staff assaults between Fiscal [Years] 2001 and 2003.

Inmate-on-Staff assaults between Fiscal Years 2001 and 2003 are as follow:

Fiscal Year	Number of Assaults
FY 2001	312
FY 2002	383
FY 2003	353
YTD FY2004	148

The Division of Correction (DOC or the Division) between Fiscal Years (FY) 2001 and 2003 has made several changes in the areas of data collection and reporting as it relates to assaults within the facilities. In FY 2001 the Hearing Officers collected data manually. In FY 2002 DOC began using information stored on the Offender Based State Correctional Information System (OBSCIS). The increase in FY2002 is a result of this change in methodology. Currently, the Department of Public Safety and Correctional Services (DPSCS) is further refining the data collection methodologies in order to reflect national practices in this area.

The new reporting guidelines and definitions are based on the suggested reporting guidelines developed by the Association of State Correctional Administrators (ASCA). This departmental change will allow for all three custodial agencies under the leadership of DPSCS to use the same assault definitions and data collection methods. Once full implementation of the new system is effective there will be consistency with reporting statistics among various jurisdictions and agencies within the state and nationwide. The new system will discontinue the current practice of grouping all assault incidents together. Instead they will be classified into types of assaults (i.e. physical, sexual, substance, or assault with a weapon) and the degree of seriousness, which will look to the extent of injury. This refinement will provide consistent and more descriptive information regarding serious assaults.

Steps Taken to Reduce Violence

The department should also be prepared to discuss the steps taken to reduce violence in the correctional facilities.

The Division has begun the process of reducing the level of violence in correctional facilities by the following actions:

- Implementation the Restart philosophy by expanding existing programs;
- Providing for more cognitive restructuring programs;
- Reducing inmate idleness by positively engaging the population;
- Fully implementing inmate uniforms;

- Continuing drug interdiction efforts and enforcement;
- Identification and curtailment of gang activity;
- Expansion of State Use Industries which will provide more jobs for inmate population;
- Reduction of the education waiting list; and
- Enhanced treatment Services through use of the Restart philosophy.

Sick Leave and Overtime

The Department should be prepared to present information on the number of overtime hours incurred due to use of sick leave and how the number is calculated. The department should also be prepared to discuss the understatement of [the] actual number of sick leave hours used. The department should be prepared to discuss the overtime impact of alternative schedules for correctional personnel.

The Division of Correction utilizes the automated Staffing Analysis and Overtime Management System (SAOM) as the source for tracking sick leave hours used that result in overtime being incurred by correctional officers within their facilities. This system is used throughout the entire Department including the Patuxent Institution and the Division of Pretrial Detention and Services. All historical statistical data for overtime hours attributable to sick leave reported by the Department have been derived by summarizing of yearly activity within the SAOM automated system.

The overstatement of actual number of sick leave hours used, as referenced in the analyst's comments, cannot be determined at this time. As noted in the testimony during the Office of the Secretary's budget hearing, the legislative auditors briefed the committees on the results of the performance audit to determine the reliability of the Department's Staffing Analysis and Overtime Management (SAOM) system. To summarize, their findings indicated that there existed within the program some calculations that were incorrect. The second major finding was that the data integrity controls were not adequate, which allowed errors in the underlying data used by SAOM in accumulating hours charged by category such as sick leave. As a result of these findings, the Department is unable to fully explain differences in sick leave hours used by correctional officers between fiscal years.

The Department has already prepared a corrective action plan to address the findings of the legislative auditors and will have their recommendations implemented as of July 1, 2004.

Local Jail Reimbursements

DLS [Department of Legislative Services] recommends that the department pay the balance of liability owed to the counties through fiscal 2004 and budget reconciliation language be added that phases the program out over three years.

The spending projections for the Division of Correction reveal no discretionary funds. Therefore the Division is unable to absorb the cost of reimbursing approximately \$13 million to the counties as recommended by the budget analyst. Further, DOC takes no position as to phasing out the program over a three-year period.

State Use Industries

DLS recommends the adoption of amendments to budget reconciliation legislation that annually requires \$2.0 million to be transferred from the SUI special fund to address the concerns raised by the U.S. Department of Justice and the federal courts.

State Use Industries is the prison industry arm of the Maryland Division of Correction. As set forth in the Correctional Services Article Section 3-502 (1), State Use Industries (SUI) must be financially self-supporting and must generate revenue for its operations and capital investments. Section 3-502 (3) states that SUI must seek to develop industries that provide full-time work experience or rehabilitation programs for all eligible inmates. Section 3-507 gives SUI the authority to establish a revolving fund, not subject to reversion as set forth in Section 7-302 of the State Finance and Procurement Article, in order to pay its operating expenses and purchase capital assets. In addition, Section 3-502 (4) states that SUI must operate the correctional industries in an environment that resembles as closely as possible the environment of private sector business operations.

State Use Industries has no legal authority to borrow money. As such, in order to purchase capital assets, establish new programs, and meet customer needs SUI must reserve its cash. It is imperative that as an on-going business entity that SUI have funds available to purchase needed production equipment, vehicles, absorb start-up costs of new programs (including all personnel costs) and have the ability to take advantage of volume discount purchasing. Significant funds are needed to procure inventories of raw materials and supplies required for the manufacturing of products for SUI's many customers. SUI inventories (raw materials, component parts, work-in-process, finished goods) totaled approximately \$6.5 million at 6/30/03. Lastly, saving money for future capital investments program expansion and lean times is a common, acceptable and encouraged private sector business practice.

The Department opposes the DLS recommendation to require an annual transfer of \$2.0 million of SUI special funds. Due to the continuing poor economic fiscal climate, the Department cannot accurately predict SUI future cash flows. Additionally, SUI advises that FY 04 year-to-date revenues have declined 18% as compared to revenues during the same period as last year. The Department recommends that SUI's overall fiscal condition, with special consideration given to SUI's operational needs, be evaluated by the Department on an annual basis in order to determine SUI's ability to transfer any of its special funds.

Recommended Actions Proposed by Budget Analyst

In this section the Division provides feedback on the five recommended actions as suggested in the budget analysis.

1. The analyst has recommended adding the following language:

Provided that the Division of Correction shall abolish 100 vacant correctional officer positions by June 30, 2005.

The Division of Correction is opposed to adding the above language for the following reasons:

1. The 100 positions identified may no longer be needed as correctional officers, however these positions are still an integral part of implementing the RESTART philosophy. These positions remain vital for the safe and secure operation of the institutions.
2. Correctional programming needs must be met, as they are critical factor in the safety and security of the institutions. The use of these PINs for the RESTART initiative will allow the initiation and expansion of inmate programming opportunities specifically aimed at successful transition into the community, with the tools necessary to live as law abiding citizens.
3. The availability of programs in the institutions will reduce idleness and give inmates purpose and accountability. In doing so it is expected that a more positive institutional culture, one that is safer and healthier for staff as well as inmates will evolve.

If the 100 PINs are abolished as recommended by the analyst, the Division will be unable to implement the RESTART philosophy and thus the safety and security of the institutions will be in jeopardy.

2. The analyst has also recommended adding the following language:

Provided that general funds may not be expended to expand the educational services to inmates using contractual teachers. The Division of Correction may use up to \$1,200,000 of general funds to provide assessments to inmates upon intake into the Division of Correction and for inmates who compose the division's standing population. Funds, up to \$1,200,000, not expended to provide assessments to the inmate population at the end of the fiscal year, shall revert to the general fund.

The Division of Correction is opposed to the addition of this language. There is a high demand for education with in the facilities as evident by the waiting lists. In addition, the Division is already aware of the programmatic needs of its population. To conduct an assessment to determine this would be an unwise use of valuable resources.

High Demand for Education

The analyst has recommended that money included in the budget for correctional education be diverted to evaluation of inmate treatment needs to determine whether the RESTART initiative is appropriately targeted. The Department of Public Safety and Correctional Services and the Division of Correction (Division or DOC) are confident that correctional education is needed. This is evident by the 1,800 people currently on the waiting lists for academic courses and vocational training. This is further augmented by the Division's anecdotal knowledge that the very existence of waiting lists are sources of frustration and often deter our population from adding their names to waiting list. Finally, extension of operational statistics provided by the State Department of Education, strongly supports both the need for expanded services, and the willingness of inmates to take advantage of educational opportunities as we boast a drop out rate of 1.6% and an attendance rate of 96.6%.

Opening schools at night will significantly reduce the waiting list, but will not eliminate the list in its entirety. Thus, the Governor's allocation of \$1.2 million dollars will provide contractual support to re-initiate a night school program in the Division of Correction. The Division knows from research that education has a positive impact on reducing recidivism, and that this committee has supported correctional education in previous years. It is for these reasons that re-targeting of these funds is not in the best interest of the State as such we again oppose the addition of the aforementioned language.

Assessments

The assessment of the inmate population that the analyst recommends is not the "front end assessment" which is essential to providing appropriate treatment programming for the inmate population. The "assessment" rather appears to be a "poll" of what program needs exist and who is willing to avail themselves of treatment. As discussed, DOC is well aware of the educational needs and is also well aware of the substance abuse treatment needs, the need to restructure thinking, and the need for re-entry services. A survey that establishes needs beyond these is of little value to the department in its current programming effort.

The Division's plan for Front End Assessment entails supplementing these efforts with a screening and assessment for mental health needs, addiction levels, and criminal personality/social needs. Through this effort, those in need of mental health treatment can be more readily identified, those in need of substance abuse treatment can be placed into an appropriate level of programming while incarcerated and connected to community treatment as required, and those who are psychopathic can be separated from the population for whom treatment is likely to have a beneficial effect.

Front-end assessment is consistent with the Division of Correction and the Department of Public Safety and Correctional Services' focus on treatment that is embraced by the RESTART philosophy. As identified by the analyst, DOC and the Department intend to establish or expand programs to: (1) provide substance abuse treatment to address the already identified need; (2) supplement its efforts in the area of correctional education for which the deficiency already discussed exists; (3) initiate and expand cognitive behavioral restructuring programs to change inmate ways of thinking that can impact behavior within institutions and upon return to the community on release; and (4) provide connection to services in the community that can be of value in the return to society.

The Division emphatically opposes the recommendation of the analyst to withhold the utilization \$1.2 million for correctional education and to instead require an assessment of program needs of the inmate population utilizing those funds.

- 3. The Analyst has suggested the addition of the following language to the general fund appropriation:**
“, provided that \$547,082 of this appropriation shall be reduced contingent upon the failure of HB 379.”

The Division of Correction opposes the addition of this language. Recognizing that other deficiencies exist with in the Division of Correction including such things as maintenance, equipment, and purchase of vehicles. The Division would reallocate these funds for these purposes.

- 4. The analyst has recommended that:**

DOC reduce overtime to reflect implementation of post analysis plan.
Amount: \$700,000.00 GF

The Division of Correction takes no position on the recommend reduction resulting from the implementation of the post analysis plan. However, the DOC would like to note that in a Correctional Environment it is difficult to forecast all events that could impact the generation of overtime. Therefore, should any of these events occur a deficiency within the budgeted allotment would arise.

- 5. Again the analyst has recommended that DOC:**

Reduce partial funding for salaries and benefits to permit abolition of 100 vacant correctional officer positions through attrition by June 30, 2005.
Amount: \$2,825,951.00 GF

The Division of Correction opposes the recommended dollar reduction. This recommended reduction would make it impossible to fund treatment service positions under the RESTART philosophy. Treatment service positions are vital for the safe and secure operation of DOC institutions. We emphasize any attempt to abolish the

funding base for treatment service positions would hamper the Division and Department's ability to move forward. If the analyst recommendations are followed the Division will be unable to implement the RESTART philosophy and thus the safety and security of the institutions will be in jeopardy.

On behalf of the Division of Correction, I would like to thank you for the opportunity to provide information about the budget analyst recommendations to this subcommittee. I look forward to working with you to ensure safe communities in Maryland. If my office can be of any further assistance to you please feel free to contact me directly and we will be sure to provide any additional information the subcommittee or the Committee as a whole may need.

Respectfully Submitted,

Frank C. Sizer, Jr.
Commissioner

cc: Mary Ann Saar, Secretary, DPSCS
Mary L. Livers, PhD, Deputy Secretary, DPSCS
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